

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERK

2004 JUN 10

U.S. DISTRICT
DISTRICT

JOHN F. HANSON, JR.
and JOHN F. HANSON,
DMD, P.C.,

Plaintiffs,

v.

ORTHALLIANCE INC.,
a Delaware corporation,

Defendant.

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Civil Action No. 3:04-CV-30045-MAP

JOINT PROPOSED PRETRIAL SCHEDULING ORDER

In accordance with the Federal Rules of Civil Procedure and Local Rule 16.1, Plaintiffs, John F. Hanson, Jr. and John F. Hanson, DMD, P.C. (collectively "Plaintiffs") and Defendant, OrthAlliance Inc. (hereinafter "Defendant"), hereby file their Joint Proposed Pretrial Scheduling Order as follows:

I.

COMPLIANCE WITH FEDERAL RULES AND LOCAL RULE 16.1

In accordance with Federal Rule of Civil Procedure 16(b) and Local Rule 16.1(B), counsel for the parties have conferred regarding: (1) preparing an agenda of matters to be discussed at the scheduling conference; (2) preparing a proposed pretrial schedule for the case that includes a plan for discovery; and, (3) considering whether they will consent to trial by Magistrate Judge. The parties have agreed that they do not consent to trial by Magistrate Judge.

The Plaintiffs have further presented a written settlement proposal to Defendant within the time set out in Local Rule 16.1(C). Defendant has timely responded with a written settlement response.

Pursuant to Local Rule 16.1(D)(3), the parties will file certifications signed by the parties' counsel and the parties prior to the Scheduling Conference set on June 25, 2004.

II.

PROPOSED PRETRIAL SCHEDULE, INCLUDING SCHEDULE FOR DISCOVERY

In accordance with Federal Rule 16(b) and Local Rule 16.1(D), counsel for the parties hereby submit the following joint proposed schedule regarding discovery and pretrial deadlines:

Deadline for the Parties to Make Initial Disclosures Under Rule 26(a)(1) ¹	July 5, 2004
Deadline to Join Other Parties	October 1, 2004
Deadline to Amend the Pleadings	January 31, 2005
Deadline to Serve Written Discovery Requests	April 1, 2005
Deadline to Identify Trial Experts Under Rule 26(a)(2)	April 1, 2005
Deadline for all Parties to Respond to Written Discovery Requests	June 1, 2005
Deadline to Complete All Depositions, Including Expert Depositions ²	June 1, 2005
Deadline to File Dispositive Motions	June 15, 2005
Deadline to File Non-Dispositive Motions	July 15, 2005
Deadline for Settlement Conference, to be attended by trial counsel	August 15, 2005
Deadline for Motions in Limine, Page and Line Designations, Trial Briefs, Jury Charge, Proposed Voir Dire and Other Pretrial Motions	September 19, 2005
Deadline for Final Trial Exhibit Lists and Witness Lists	September 23, 2005
Final Pretrial Conference	September 26, 2005
Trial Setting	October 3, 2005

¹ The parties make the following changes to the timing, form or requirements for disclosures under Rule 26(a)(1): the timing should be extended until July 5, 2004.

² The parties propose that depositions be taken and used according to the Federal Rules of Civil Procedure, and any Local Rules that govern such depositions, except that depositions taken in other related cases may be used at trial in this case, subject to sixty days notice prior to the deadline to complete depositions of June 1, 2005.

In conjunction with preparing the Proposed Scheduling Order, the parties have also conferred regarding the topics contemplated by Federal Rules of Civil Procedure 16(c) and 26(f).

The parties believe that discovery will be needed only with respect to liability and damages. The parties further believe that the discovery should not be conducted in phases as related litigation in other states has provided the parties' counsel ample opportunity to realistically assess the claims at issue in this litigation.

The parties do not believe that any changes regarding limitations imposed by the Federal Rules of Civil Procedure or the local rules are necessary. Discovery should be conducted in accordance with the applicable Federal and Local Rules.

The parties also agree that within sixty (60) days of the initial scheduling conference, a motion for protective order will be filed for the Court's approval.

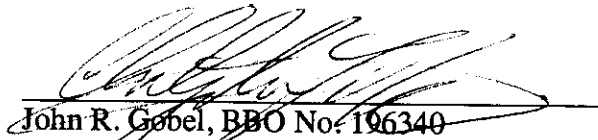
III.

CONCLUSION

By the foregoing proposed scheduling order, the parties confirm the obligation to limit discovery set forth in Rule 26(b) of the Federal Rules of Civil Procedure. The parties also confirm that the foregoing dates result from the joint consideration of the desirability of conducting phased discovery in which the first phase is limited to developing information needed for a realistic assessment of the case and, if the case does not terminate, a second phase directed at information needed to prepare for trial.

Dated: June 17, 2004.

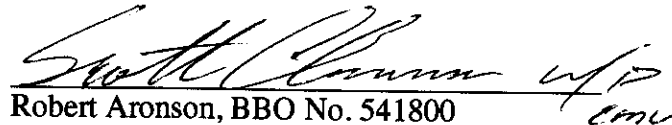
Respectfully submitted,



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CERTIFICATE OF SERVICE

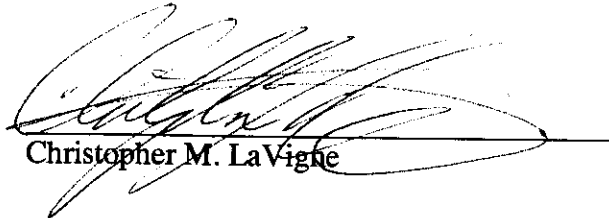
I hereby certify that a true and correct copy of the foregoing document was served on this 17th day of June, 2004, to the following counsel of record:

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